

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JEREMY PINSON,

Plaintiff,

vs.

No. 1:21-cv-00185-KWR-JHR

FEDERAL BUREAU OF PRISONS,  
UNKNOWN NAMED #1 BUREAU OF  
PRISONS LIEUTENANT,

Defendants.

**MEMORANDUM OPINION AND ORDER DENYING APPLICATION TO PROCEED  
IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS**

**THIS MATTER** is before the Court under 28 U.S.C. § 1915(b) on the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Plaintiff Jeremy Pinson on March 2, 2021. (Doc. 2). The Court will deny the Application to Proceed and order Plaintiff to pay the full \$402.00 filing fee within thirty (30) days of entry of this Order.

Plaintiff is a prisoner serving a lengthy sentence of incarceration in the custody of the Federal Bureau of Prisons. (Doc. 1 at 1). Plaintiff Pinson is a frequent litigator in the federal courts and is ineligible to proceed *in forma pauperis* under the three-strikes provision of 28 U.S.C. § 1915(g). See Doc. 1 at 8 (“I am ineligible under 1915(g) to proceed in forma pauperis in this action.”); *Pinson v. United States Department of Justice*, 984 F.3d 65 (D.C. Cir. 2020); *Pinson v. Oliver*, 601 F. App’x 679, nt. 5 (10<sup>th</sup> Cir. 2015).

When it enacted the *in forma pauperis* statute, Congress recognized that “no citizen should be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because his poverty makes it impossible for him to pay or secure the costs.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948). However,

Congress also recognized that a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). Congress noted that prisoner suits represent a disproportionate share of federal filings and enacted a variety of reforms designed to filter out the bad claims and facilitate consideration of the good. *Jones v. Bock*, 549 U.S. 199, 202-204 (2007). Those reforms have included the three-strike rule of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

The three-strike rule of § 1915(g) states:

“In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

Plaintiff Pinson admits that she has had at least three (3) prior cases dismissed on the grounds that they failed to state a claim upon which relief may be granted or were frivolous. *See* Doc. 1 at 8; *Pinson v. United States Department of Justice*, 984 F.3d 65 (D.C. Cir. 2020); *Pinson v. Oliver*, 601 F. App’x 679, nt. 5 (10<sup>th</sup> Cir. 2015). As Plaintiff Pinson has previously been advised in several of her cases and admits in her Complaint, she may no longer proceed *in forma pauperis* in this Court unless she is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Pinson’s Application to Proceed (Doc. 2) does not indicate that she is in any imminent danger of serious physical injury. Nor does her Complaint allege any imminent danger of serious physical injury. Instead, Plaintiff Pinson’s Application to Proceed (Doc. 2) states that she “seek[s] 30 days to pay the filing fee.” (Doc. 2 at 2). The Court will therefore deny Plaintiff leave to proceed pursuant to § 1915(g) and will order Plaintiff to pay the full \$402.00 filing fee. If Plaintiff does

not pay the \$402.00 filing fee within the thirty-day time period, the Court may dismiss this proceeding without further notice.

**IT IS ORDERED** that the Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2) is **DENIED**; and

**IT IS FURTHER ORDERED** that Plaintiff Jeremy Pinson pay the full \$402.00 filing fee within thirty (30) days of entry of this Order.

  
**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**